

Remarks:

Reconsideration of the above referenced application in view of the enclosed remarks is requested. Existing Claims 1 to 37 remain in the application.

ARGUMENTS

Rejections under 35 U.S.C. § 103

Claims 1-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over USPN 5,760,917 to Sheridan (hereinafter, “Sheridan”) in view of USPN 6,389,460 to Stewart et al. (hereinafter, “Stewart et al.”) and further in view of US Pub. No. 2006/0167985 to Albanese et al. (hereinafter, “Albanese et al.”). This rejection is respectfully traversed and Claims 1-37 are believed allowable based on the following discussion.

The Examiner has misunderstood the scope of the claimed invention, as well as the teachings of Albanese et al. The location-identifying information, as described and claimed, is information associated with the subject location of an image. This is not the location of the actual stored electronic image, file folder, or where the image was scanned, but the location of where the image was photographed, or rather, the location of the *subject* of the image, i.e., where the objects captured by the image are located. This definition would be apparent to one of skill in the art after reading the disclosure. Applicant has explained this concept, with examples, in previous Office Action responses. While it is understood that the Examiner may read the claims broadly, the claims must be read in light of the description of the invention.

The Examiner now admits that Stewart et al. and Sheridan fail to teach the subject location of the image. In the present Office Action, the Examiner attempts to find another reference to show the subject location of the image. The Examiner, however, asserts that Albanese et al., at paragraph [0034] teach this limitation. In fact, Albanese et al. do not teach or suggest that *the location-identifying information associated with a*

physical location of subjects and objects captured by the image. Albanese et al. teach that

“the home user may wish to limit the remote user's access to select data. In this regard, authorization is provided for the remote user (e.g., as associated with the remote user's identification and password) to limited portions of data available to the home network node. This approach can be implemented, for example, where a home user wishes to share selected pictures with a particular remote user; the home user **configures software at the home node and/or at the host server to grant access to these selected pictures (e.g., by referencing the pictures or placing them in a particular directory).**” [emphasis added]

Albanese et al. teach only that the user may choose to allow a remote user access to limited portions of data. Implementation of this is described as either referencing the picture or putting the picture in a particular directory, implying that access is granted to the entire directory.

In contrast, Applicant's claimed invention defines a sharing rule that specifies the recipients based on location-identifying information, where the location-identifying information is associated with a physical location of subjects and objects captured by the image. Albanese et al. does not provide location-identifying information, and is completely silent as to the location of the subject of an image. A cursory review of the entire reference reveals that Albanese et al. discuss a user's location, the location of the data, i.e., storage location, location of the remote user, etc., but fail to teach or suggest the location of the subject of an image. Thus, it is perplexing why the Examiner has cited paragraph [0034] to show the location-identifying information. Neither the *cited* reference, nor seemingly the entire reference, teach or suggest this limitation.

Thus, independent Claims 1, 9, 17, 25 and 31 and their progeny are believed allowable and should be permitted to issue at the earliest possible time.

CONCLUSION

In view of the foregoing, Claims 1 to 37 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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